

THE  
REVISED STATUTES  
OF THE  
STATE OF WISCONSIN,

AS

*Altered and Amended by Subsequent Legislation,*

TOGETHER WITH THE

UNREPEALED STATUTES OF A GENERAL NATURE PASSED FROM  
THE TIME OF THE REVISION OF 1858 TO THE CLOSE  
OF THE LEGISLATURE OF 1871,

ARRANGED

IN THE SAME MANNER AS THE STATUTES OF 1858,

WITH

REFERENCES, SHOWING THE TIME OF THE ENACTMENT OF EACH SECTION, AND ALSO  
REFERENCES TO JUDICIAL DECISIONS IN RELATION TO AND  
EXPLANATORY OF THE STATUTES;

*VOL. II.*

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PREPARED AND ARRANGED BY

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*CHICAGO:*

E. B. MYERS & COMPANY, PUBLISHERS.

1872.

1960

## OFFENCES COGNIZABLE BEFORE JUSTICES.

subject to a penalty of five dollars for every nest so broken up, destroyed, taken away or interfered with, and of one dollar for every such egg so had in his or their possession, or so sold or exposed for sale, together with the costs of prosecution, every railroad and every express company, and all employees and agents thereof, who shall have said eggs in its, his or their possession, shall be liable to the same penalty.

§ 33. Justices of the peace shall have cognizance and jurisdiction of all offences under this act, without regard to the aggregate amount of fines imposed in any one case. All prosecutions under this act shall be deemed criminal proceedings, and shall be conducted as provided by law for the prosecution of offences cognizable before justices of the peace; and in all cases of conviction under this act, one-half of all fines and penalties collected shall be paid over by the justice or person collecting the same, to the person who shall make the complaint in the case.

§§ 29-32, are §§ 1-5, ch. 78, Laws 1867.

§ 34. This act, except the fourth section thereof, shall not affect uncivilized Indians on their own reservations.

§ 6, *Ibid*, as amended by § 1, ch. 66, Laws 1868. § 7, ch. 78, Laws 1867, repeals all laws for preservation of game previously passed.

§ 35. No person shall catch, kill or otherwise destroy, or have in his possession, or expose for sale, any wood cock, in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette, Grant, Winnebago, Fond du Lac, Dane, Green Lake, Waupaca or Waushara, between the fifteenth day of November and the succeeding fourth day of July in each year, nor any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, between the fifteenth day of November and the succeeding twentieth day of August in each year, under a penalty of ten dollars for each such game bird caught, killed or otherwise destroyed, or had in possession or exposed for sale.

§ 1, ch. 105, Laws 1870, as amended by § 1, ch. 53, Laws 1871.

§ 36. No person shall at any time or at any place within either of the counties named in the first section of this act, catch or take with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffed grouse, or quail, under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge, ruffed grouse or quail so caught or taken.

§ 2, ch. 105, Laws 1870, as amended by § 1, ch. 116, Laws 1871.

§ 37. No person shall at any time or at any place within either of said counties, kill any wild duck, brant or wild goose, with or by means of the device, instrument or fire arm known as a punt or swivel gun, or with or by means of any gun or fire arm other than such guns or fire arms as are habitually raised at arm's length and fired from the shoulder, or shall use any such device, instrument or gun other than such shoulder-

gun as aforesaid, with intent to kill any wild duck, brant or wild goose, under a penalty of fifty dollars for each and every offense.

§ 3, *Ibid.*, as amended by § 2, ch. 116, Laws 1871.

§ 38. Any person who shall within either of the counties named in the first section of this act, enter upon the lands or premises of another, and thereon pursue, catch, kill or otherwise destroy any of the game birds or wild fowl mentioned in this act, during the times when the killing of such game birds or wild fowl is forbidden by the provisions thereof, or being thereon, shall do or commit any other act or thing forbidden by the provisions of this act, shall be deemed guilty of trespass, and in addition to the damages and the penalty or penalties imposed by the provisions of this act for the violation thereof, shall be liable to a penalty of ten dollars which may be recovered with costs of action by the owner or occupant of the lands or premises so entered upon, before any justice of the peace of any town or police justice of any city in the county where the offense was committed or where the defendant may reside or be found.

§ 4, ch. 105, Laws 1870.

§ 39. All penalties imposed by the provisions of this act may be recovered with costs of action by any person or persons (except the penalty named in section four thereof for the entering upon the lands or premises of another, &c.) in his or their own names, before any justice of the peace in any town, or police justice of any city in the county where the offense was committed or where the defendant may reside or be found, and any such justice of the peace or police justice is authorized upon receiving sufficient security for costs on the part of the complainant, and satisfactory proof by affidavit of the violation of any of the provisions of this act by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown, to issue his warrant and have such offender committed or held to bail, to answer the charge against him. And any justice of the peace in any town, or police justice of any city within either of the counties named in the first section of this act, may upon proof of probable cause to believe in the concealment by any person within either of said counties of any game bird or wild fowl mentioned in this act, during any of the prohibited period, or of any such game bird or wild fowl taken, caught, killed or otherwise destroyed, held or possessed in violation of any of the provisions of this act, issue his warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, crate or locker to be broken open and the contents examined. Any penalties when collected except such as are by the provisions of this act otherwise specially disposed of, shall thereupon be paid by the court before which conviction shall be had; one half to the county treasurer of the county, in which conviction is had, to the credit of the school fund of such county,